

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of ) **MAIL STOP AF**  
Jean-Christophe Simon et al. )  
Application No.: 10/622,478 ) Group Art Unit: 1616  
Filing Date: July 21, 2003 ) Examiner: Shelley A Dodson  
Title: GONIOCHROMATIC/LIGHT ) Confirmation No.: 4522  
REFLECTIVE COSMETIC MAKEUP )  
COMPOSITIONS )  
)

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above. The requisite fee is  \$ 65  \$ 130.

- Charge \$ 130 to Deposit Account 02-4800 for the fee due.  
 Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date May 27, 2008

By: Mary Katherine Baumeister  
Mary Katherine Baumeister  
Registration No. 26254

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

1032487-000004

In re Application of: Jean-Christophe Simon et al.  
Application No.: 10/622,478  
Filed: July 21, 2003  
For: GONIOCHROMATIC/LIGHT REFLECTIVE COSMETIC MAKEUP COMPOSITIONS

The owner\*, Societe L'Oreal S.A. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/622,480, filed on July 21, 2003, as such term is defined in 35 U.S.C 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

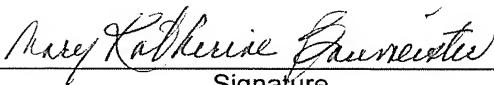
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that any such patent, granted on the pending **reference** application, expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Registration No. 26254

  
\_\_\_\_\_  
Signature

May 27, 2008

Date

Mary Katherine Baumeister

\_\_\_\_\_  
Typed or printed name

703 836 6620

\_\_\_\_\_  
Telephone Number

- Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

\*Statement under 37 C.F.R. § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.